

May 4, 1967
Place On Calendar
Agriculture 5-15, Pass 5-25

By COMMITTEE ON AGRICULTURE

Passed House, Date 5-11-67

Passed Senate, Date 6-5-67

Vote: Ayes 87 Nays 1

Vote: Ayes 44 Nays 0

Approved _____

*Passed as amended
by the Senate 6-8-67
86-0*

A BILL FOR

An Act relating to agricultural lime.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapter two hundred one (201), Code 1966, is
2 hereby repealed and sections three (3) through seventeen (17)
3 enacted in lieu thereof:

1 Sec. 2. It is hereby declared that changes in the procedure
2 for recommending the application of and method for evaluating
3 agricultural lime has created a need to revise control measures
4 for protection of the purchasers and users of said product.

1 Sec. 3. When used in this Act, unless the context otherwise
2 requires:

3 1. "Agricultural lime", "limestone" or "aglime" shall in-
4 clude all calcium and magnesium products sold for agricultural
5 purposes in the oxide, hydrate, or carbonate form; such form
6 being designated as quicklime, hydrated lime, carbonate of lime,
7 and crushed or ground limestone.

8 2. "ASCS" shall mean Iowa agricultural stabilization and
9 conservation service state office of the United States depart-
10 ment of agriculture.

11 3. "ECCE" shall mean effective calcium carbonate equivalent.

12 4. "Number four (4)", "number eight (8)" and "number sixty
13 (60)" mesh sieve as used herein shall mean four (4), eight (8)
14 and sixty (60) meshes respectively per linear inch, according
15 to the specifications of the American society for testing
16 materials.

17 5. "Permanent fixed plants" as used in this Act shall mean
18 stationary crushing and screening equipment which is immobile.

19 6. "Portable plants" as used in this Act shall mean mobile
20 crushing and screening equipment mounted on wheels.

21 7. "Ton" shall mean two thousand (2,000) avoirdupois pounds.

1 Sec. 4. Before any person shall sell, offer for sale, or
2 dispose of in this state any agricultural lime to be used for
3 soil fertility or the correction of soil acidity, such person
4 shall file with the secretary of agriculture an acceptable appli-
5 cation for a license to sell, together with the license fee, on
6 or before January 31 of each year. The application shall be
7 sworn to before a notary public, or other proper official, stating
8 the name of the manufacturer or shipper, the location of the
9 principal office of the manufacturer or shipper, and the name,
10 brand, or trademark under which the agricultural lime will be
11 sold.

1 Sec. 5. The annual license fee shall be twenty-five (25)
2 dollars.

1 Sec. 6. Upon the acceptance of the application and the
2 proper fee, the secretary of agriculture shall issue a license
3 for the current year. The payment of such license fee shall
4 exempt any agent or dealer of a licensee from the licensing re-
5 quirements of this Act. All licenses shall expire on January
6 31 of each year.

1 Sec. 7. Agricultural lime, limestone or aglime sold, offered,
2 or exposed for sale in this state shall be analyzed on the basis
3 of the number of pounds of effective calcium carbonate equivalent
4 per ton, using the method set forth in subsections one (1), two
5 (2), and three (3) of this section:

6 1. A fineness factor shall be determined as follows:

7 a. Multiply the percent of the total material passing the
8 number four (4) sieve by one-tenth (1/10).

9 b. Multiply the percent of the total material passing the
10 number eight (8) sieve by three-tenths (3/10).

11 c. Multiply the percent of the total material passing the
12 number sixty (60) sieve by six-tenths (6/10).

13 Add the results obtained from paragraphs a, b, and c of this
14 subsection to obtain the fineness factor.

15 2. Multiply the fineness factor obtained by using the
16 method set forth in subsection one (1) of this section by the
17 percent of calcium carbonate equivalent in the agricultural
18 lime, limestone, or aglime to obtain the percent of ECCE.

19 3. The number of pounds of ECCE per ton of agricultural
20 lime, limestone, or aglime shall be determined by multiplying
21 two thousand (2,000) pounds by the percent of ECCE determined
22 as provided in subsection two (2) of this section.

1 Sec. 8. Samples of agricultural lime, limestone, or aglime
2 within the meaning of this Act for analyzing the number of
3 pounds of ECCE shall be obtained by taking such sample from the
4 manufacturer's or producer's production belt as the material is
5 being produced. Sampling of stockpiles shall be made only when
6 there is a stockpile having no certification of ECCE, as herein
7 provided. Samples shall be taken at locations where there are
8 permanent fixed plants once each calendar month during the
9 months in which agricultural lime, limestone, or aglime is being
10 manufactured or produced. Samples shall be taken at locations
11 where there is no permanent fixed plant once during the first
12 week that a portable plant is at a location and manufacturing
13 or producing agricultural lime, limestone, or aglime, and once
14 each week thereafter during the period that the portable plant
15 is at the location and manufacturing or producing agricultural
16 lime, limestone, or aglime until a total of five (5) representa-
17 tive samples have been accumulated and submitted for analysis,
18 after which a sample shall be obtained and tested once each
19 calendar month during the months in which agricultural lime,
20 limestone, or aglime is being manufactured or produced. Samples
21 from production belts shall be taken by the manufacturer or
22 producer in the presence of a person or persons appointed by the

23 secretary of agriculture. Samples from stockpiles, where stock-
24 pile sampling is authorized in this section, shall be taken by
25 a person or persons appointed by the secretary of agriculture.
26 The manufacturer or producer of agricultural lime, limestone or
27 aglime shall notify the secretary of agriculture or person or
28 persons appointed by him of the manufacture or production of
29 agricultural lime, limestone, or aglime so that samples may be
30 taken in compliance with this section.

1 Sec. 9. Samples of agricultural lime, limestone, or aglime
2 taken as provided in section eight (8) of this Act may be sub-
3 mitted by the secretary of agriculture, or person or persons
4 appointed by him, to the Iowa state university of science and
5 technology for analyzing in accordance with the provisions of
6 section seven (7) of this Act. The results of the analysis of
7 each sample shall be submitted to the secretary of agriculture.

1 Sec. 10. The secretary of agriculture shall, upon receipt of
2 the analysis provided in section nine (9) of this Act certify the
3 number of pounds of ECCE, using the method provided in section
4 seven (7) of this Act, to the manufacturer or producer from whom
5 the sample was obtained by written notice and forwarded by United
6 States mail. The effective date of the certification shall be
7 on a Monday but not less than seven (7) days from date of mailing
8 and the date of mailing shall not be counted as one of the seven
9 (7) days.

10 Each certification of ECCE shall be based on the average of
11 a maximum of five (5) analyses obtained from five (5) samples.
12 Each new analysis received shall be added to the previous five
13 (5) analyses and the oldest analysis shall be omitted. Less
14 than five (5) analyses shall be averaged on the basis of the
15 actual number of analyses. Nothing in this Act shall preclude
16 a manufacturer or producer from having a certification on
17 separate stockpiles of agricultural lime, limestone or aglime,
18 provided that such separate stockpiles shall be separated from
19 any other stockpile and such separate stockpiles shall have been

20 sampled as provided in this Act.

1 Sec. 11. The secretary of agriculture may adopt the
2 certification of pounds of ECCE issued by the ASCS and if
3 adopted shall constitute compliance with this Act.

1 Sec. 12. The certification of pounds of ECCE on the effec-
2 tive date of this Act shall be those issued and in effect on
3 that date by the ASCS, the same as if they had been issued by
4 the Iowa secretary of agriculture.

1 Sec. 13. All agricultural lime, limestone or aglime sold,
2 offered, or exposed for sale shall be sold, offered, or exposed
3 for sale by the pound of ECCE. Any person who shall sell,
4 offer, or expose for sale or who shall ship, transport, or de-
5 liver agricultural lime, limestone, or aglime shall affix, or
6 cause to be affixed, to every bill of lading, scale ticket,
7 ticket, delivery receipt or other instrument of sale, shipping
8 or delivery, plainly thereon in the English language, the certi-
9 fication of the secretary of agriculture of the number of pounds
10 of ECCE per ton in the agricultural lime, limestone or aglime,
11 and the name, brand, or trademark under which the agricultural
12 lime, limestone or aglime is sold, the name of the manufacturer,
13 producer or shipper, and the location of the principal office of
14 the manufacturer, producer or shipper. The certification shall
15 be in the following form:

16 "Iowa Secretary of Agriculture Certified

17 _____ pounds ECCE per ton."

18 The pounds of ECCE certified by the secretary of agriculture
19 for the agricultural lime, limestone, or aglime shall be inserted
20 in the space provided.

21 In case the secretary of agriculture shall adopt the certifi-
22 cation of number of pounds of ECCE of the ASCS, the following
23 form will effect full compliance with this section:

24 "ASCS certified _____ pounds ECCE per ton."

1 Sec. 14. Whoever sells, offers for sale, or exposes for sale
2 or distribution any bulk agricultural lime, limestone, or aglime

3 without complying with the provisions of this Act, or permits
4 any certification to accompany or be printed or stamped on any
5 bill of lading, scale ticket, ticket, or delivery receipt or
6 other instrument of sale, shipping or delivery, stating that the
7 agricultural lime, limestone, or aglime contains a different
8 number of pounds of ECCE than certified as provided in this Act,
9 or who shall adulterate any agricultural lime, limestone, or ag-
10 lime with foreign mineral matter or other foreign substances,
11 or who shall adulterate the same with any substance injurious
12 to the growth of plants, or make any false report, shall be
13 deemed guilty of a misdemeanor. On conviction thereof, such
14 person shall be fined not less than fifty (50) dollars nor more
15 than one hundred (100) dollars. The secretary of agriculture
16 may revoke the license of any person so convicted.

17 In all litigation arising from the purchase, sale, or disposal
18 of any agricultural lime, limestone, or aglime, in which the composi-
19 tion of the same may be involved, a certified copy of the official
20 analysis shall be accepted as prima facie evidence of the composition
21 of such agricultural lime, limestone, or aglime. The possession of
22 agricultural lime, limestone, or aglime, in any building, room,
23 railroad equipment, store, storeroom, warehouse, truck, or other
24 place within this state, except by a person who has the same for
25 his private use, without complying with the provisions of this
26 Act relative to agricultural lime, shall be prima facie evidence
27 of keeping the same for the purpose of selling or disposal. In
28 all prosecutions under this Act, a justice of the peace, police
29 judge, or mayor shall have jurisdiction with the right of appeal
30 to the district court by certiorari.

31 It shall be the duty of the secretary of agriculture or his
32 deputized representative to bring prosecution for all violations
33 under the provisions of this Act. Action may be commenced by the
34 attorney general when requested to do so by the secretary. A
35 person authorized by law to prosecute a case under the provisions
36 of this Act shall not be required to advance or secure costs therein

37 If the defendant is acquitted or discharged from custody, or
38 if he is convicted and committed in default of the payment of
39 fine and costs, such costs shall be certified under oath by
40 the court to the county auditor who shall, when verified,
41 issue a warrant on the county treasurer payable to the person
42 or persons entitled thereto. The secretary of agriculture
43 shall rest his prosecution under this Act on samples collected
44 as provided in section eight (8) of this Act.

1 Sec. 15. The secretary of agriculture is hereby empowered
2 to prescribe and enforce such rules and regulations relating to
3 agricultural lime, limestone, or aglime as may be deemed neces-
4 sary to carry into effect the full intent and meaning of this
5 Act, and to refuse the registration of any agricultural lime,
6 limestone, or aglime under a name or claim which would be mis-
7 leading.

1 Sec. 16. The moneys received under the provisions of this
2 Act shall be paid into the state treasury. The secretary of
3 agriculture shall issue a quarterly report showing a statement
4 of moneys received from license fees for the sale of agricultural
5 lime, limestone or aglime, and of fines collected from prosecutions
6 in the enforcement of this Act. The secretary shall also issue a
7 quarterly report, which shall be available to the public, showing
8 the certifications of ECCE for all agricultural lime, limestone,
9 or aglime certified as provided in this Act, which report shall
10 be by manufacturer or producer and location or locations. The
11 reports required by this section shall be issued not later than
12 twenty (20) days after March 31, June 30, September 30, and
13 December 31.

1 Sec. 17. Any person who shall obstruct the secretary of
2 agriculture or his agents or representatives when in the dis-
3 charge of any duty or duties prescribed by this Act shall be
4 deemed to be guilty of a misdemeanor and upon conviction thereof
5 shall be punished by a fine of not less than ten (10) dollars
6 nor more than one hundred (100) dollars for the first offense,

7 and for each subsequent offense by a fine of not less than
 8 fifty (50) dollars nor more than thirty (30) days in jail, or
 9 by both such fine and imprisonment.

EXPLANATION

In view of the many important changes that have taken place relative to the recommending, manufacturing, marketing, sampling and testing of agricultural lime, the old Agricultural Lime Law, Chapter 201, Code 1966, has become obsolete and is no longer applicable. This bill repeals the old Agricultural Lime Law and establishes procedures for licensing, sampling, evaluating and certifying agricultural lime on the basis of pounds of ECCE, effective calcium carbonate equivalent, per ton of bulk material. This practice was initiated by Iowa State University in the summer of 1965 and has been generally accepted by the farming community and producers of Aglime. This bill would protect the farmer by requiring the producer to show the certified number of pounds of ECCE on the scale ticket or delivery receipt of all crushed limestone sold for agricultural purposes.

- 1 Amend House File 713 as follows:
 2 By striking from line 2, section 1, the words and figures
 3 "three (3) through seventeen (17)" and inserting in lieu thereof
 4 the words and figures "two (2) through sixteen (16)".
 5 By striking section 2 and renumbering the remaining sections.
 6 By inserting in line 5, section 15, after the word "Act," the
 7 words "including establishing and collecting a reasonable fee
 8 from
 9 the producers of agricultural lime to cover the cost obtaining
 10 samples and analyzing same as prescribed in section seven (7)
 and section eight (8) of this Act."

House concurred 6-8 AS ADOPTED BY THE SENATE.

- 1 Amend House File 713 as follows:
 2 1. Strike section 2 and renumber the remaining sections.
 3 2. Amend section 1, line 2, by striking the words and
 4 figures "three (3) through seventeen (17)" and inserting
 5 in lieu thereof the words and figures "two (2) through
 6 sixteen (16)".

Filed - *adopted 6-5*
 May 16, 1967

By STEPHENS

- 1 Amend House File 713, Section Fifteen (15), line five (5), by
 2 inserting after the word "Act," the word "including establishing
 3 and collecting a reasonable fee from the producers of agricultural
 4 lime to cover the cost of obtaining samples and analyzing same as
 5 prescribed in Section Seven (7) and Section Eight (8) of this Act."

Filed - *adopted 6-5*
 June 2, 1967

By MURRAY